

From: maczilla
To: Microsoft ATR
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

To Whom It May Concern:

This email is being written in accordance of the Tunney Act. I am a 35 year-old US citizen residing in Northern Virginia. I have been involved in the computing field since 1980.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. I also feel that the current settlement would end up giving Microsoft yet another monopoly; this time over the computing environment used by public school systems.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous and continuing actions. There are no provisions that correct, redress or punish their previous abuses. They only prohibit the future repetition of a few specific abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a "punishment" instructions that they cannot commit some of those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

I find many areas of the settlement highly disturbing:

1. It does not take into account Windows-compatible competing operating systems
2. It does not take into account intentional incompatibilities with well-known APIs (eg, kerebos authentication).
3. The settlement too narrowly defines what an API is, de-fanging the portion of the settlement that supposedly makes Microsoft publish it's

APIs.

4. The settlement too narrowly defines what the Windows OS is. Various versions of XP, CE/Pocket PC and even the Xbox are not covered by the settlement's definition. It is likely that Microsoft would work it's way around the definition in ALL future operating systems.

5. The settlement does not force Microsoft to open the file formats used by Office software (such as Word, Excel, etc).

6. The settlement does not go into prevention of future abuse via services, such as .Net.

7. My largest concern with the settlement is that, through noble-sounding intentions, it effectively gives Microsoft total control over the education market (one of the few they do no dominate at this time).

In my opinion, what any settlement needs to do is:

1. Force Microsoft to open all APIs, with a clear and broad-reaching definition of what is an API.

2. Force Microsoft to stop any 'extend and extinguish' extensions to well-known standards.

3. Have the settlement apply to any and all Microsoft products and services.

4. Force Microsoft to open any and all file formats for current and future products.

5. Force Microsoft to open and document any and all interfaces to present and future service-type offerings (such as .Net, PassPort, MSN Messenger).

6. Force Microsoft to publish all these APIs, formats, interfaces, et al with a NON-RESTRICTIVE license. Many of Microsoft's current licenses forbid the use of GPL'd libraries, code, etc. These licensing terms must be stopped.

In conclusion; I feel that the settlement, as written, will do nothing to stop Microsoft from continuing the practices that this suit was instigated by and in many ways would have the opposite effect. The settlement allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted in the current form.

Sincerely,

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